

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-22 are pending in the present application, Claims 1-21 having been amended. Support for the amendments to Claims 1-21 is found, for example, in the original claims. Accordingly, no new matter is added.

In the outstanding Office Action, Claims 1, 10, 11, and 20 were rejected under 35 U.S.C. §102(e) as anticipated by Tagawa et al. (U.S. Patent Publication No. 2005/0010795, hereinafter Tagawa); Claims 2-9, 12-19 and 21 were rejected under 35 U.S.C. §103(a) as unpatentable over Tagawa; and Claim 22 was allowed.

Applicants thank the Examiner for the indication of allowable subject matter.

In a non-limiting embodiment of the claimed invention, an information recording apparatus records: (1) a compressed content, (2) a program for expanding the content, and (3) manager information representing a corresponding between the compressed content and the program in an information recording medium. The manager information contains: (1) information representing a compression scheme of the content and presence/absence of a program corresponding to the compression scheme, (2) information representing a recording start position for expanding the content, and (3) information representing a size of the program for expanding the content.

Thus, this exemplary recording apparatus records the compressed content and the program for expanding the content provided from a provider along with the manager information in the information recording medium.

As discussed in the specification at page 2, line 20 to page 3, line 4, various kinds of compression schemes exist, including AAC, MP3, ATRAC3, WMA, DTS, Twin-VQ, and Q Design. A compatible player must have decoder must have decoders of all compression

schemes to be a compatible player. However, as new compression schemes are developed, compatibility of conventional players cannot be maintained.

The claimed invention can solve the above-noted problem. The information recording medium in which the compressed content is recorded by the information recording apparatus can be played by a player which is not a compatible player having decoders for all compression schemes. A non-compatible player can be used because the compressed content and the program for expanding the content are recorded in the in the information recording medium.

With respect to the rejection of Claim 1 as anticipated by Tagawa, Applicants respectfully submit that Tagawa does not disclose or suggest every element of amended Claim 1. Amended Claim 1 recites,

An information recording apparatus comprising:

a first input means for inputting a compressed content;

a second input means for inputting a program for expanding the content;

generation means for generating manager information representing a correspondence between the compressed content and the program; and

recording means for recording the content, program, and manager information on an information recording medium,

wherein the manager information contains

information representing a compressing scheme of the content and presence/absence of a program corresponding to the compression scheme,

information representing a recording start position of the program for expanding the content, and

information representing a size of the program for expanding the content.

Tagawa merely discloses a digital data recording apparatus including a plurality of decryption units (decryption units 106, 107, and 108 shown in Fig. 1 and decryption units 2150, 2106, and 2107 shown in Fig. 8). Contrary to the position taken in the outstanding Office Action, Figs. 4, 5, and 18 do not show the information recording medium in which both the compressed content and the program for expanding the content are recorded.¹

For example, Fig. 4 merely shows that a compression scheme is recorded. Fig. 5 merely shows table that includes information pertaining to an audio file, such as title, singer, time, and price. Fig. 18 merely shows management information that includes title code, recording start address, and recording end address. The management information of Fig. 18 does not disclose or suggest the claimed “manager information contains information representing a compressing scheme of the content and presence/absence of a program corresponding to the compression scheme, information representing a recording start position of the program for expanding the content, and information representing a size of the program for expanding the content.”

Furthermore, Tagawa discloses that an encrypted audio file is purchased from a vendor and stored on a HDD (i.e., a primary recording medium).² The audio file is decrypted and then re-encrypted before being stored on the DVD (i.e., a secondary recording medium).³ Tagawa does not disclose or suggest that the program for decrypting the re-encrypted audio file is also stored on the DVD.

Furthermore, the claimed invention has an advantage that a player of an information recording medium, with information recorded thereon by the recording apparatus of Claim 1, is not required to include a plurality of decoders corresponding to various compression schemes. In other words, it is not necessary to use a digital data recording apparatus

¹ Office Action, pages 3 and 4.

² See, e.g., Tagawa, Abstract and Fig. 10.

³ *Id.*

obtained, for example, in Tagawa. According to the claimed invention, the program for expanding the content is recorded along with the compressed content on the information recording medium.

Furthermore, Applicants note that Official Notice is relied up when rejecting Claims 2-9, 12-19, and 21. The Examiner may take Official Notice of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). As set forth in M.P.E.P. § 2144.03, if an applicant traverses an assertion made by an Examiner while taking official notice, the Examiner should cite a reference in support of their assertion.

In addition, Applicants respectfully traverse those grounds for rejection relying of Official Notice. Applicants do not consider the features for which Official Notice were taken to be "of such notorious character that official notice can be taken." Therefore Applicants traverse this assertion. "The examiner should cite a reference in support of his or her position."⁴

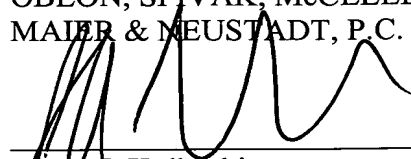
In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and Claims 2-9 dependent thereon) patentably distinguish over Tagawa. In addition, amended Claims 10, 11, 20, and 21 are similar to amended Claim 1. Accordingly, Applicants respectfully submit that Claims 10, 11, 20, and 21 (and Claims 12-19 dependent thereon) patentably distinguish over Tagawa, for at least the reasons stated for amended Claim 1.

⁴MPEP 2144.03, page 2100-129, left column, second full paragraph of MPEP 2144.03.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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